

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 28 -2017, ACCEPTING AND APPROPRIATING FUNDS FROM THE EMPIRE STATE DEVELOPMENT GRANT PROGRAM, WATER QUALITY IMPROVEMENT PROJECT PROGRAM IN THE AMOUNT OF \$2,262,910, AND AMENDING THE 2017 CAPITAL BUDGET AND PROGRAM FOR THE MUD CREEK WATERSHED AQUATIC ECOSYSTEM RESTORATION PROJECT (CP 8736)

WHEREAS, the Department of Economic Development and Planning submitted an application to the Empire State Development Grant Program requesting funding to construct the Mud Creek Watershed Aquatic Ecosystem Restoration Project (Project); and

WHEREAS, Suffolk County was awarded funds for the Project through the Water Quality Improvement Project (WQIP) Program, administered by the New York State Department of Environmental Conservation (NYSDEC); and

WHEREAS, the Department of Economic Development and Planning, requested funding to enable the Suffolk County Department of Parks, Recreation and Conservation to construct the Project at Mud Creek County Park; and

WHEREAS, the Project will be accomplished through the combined efforts of the Suffolk County Department of Public Works, the Department of Parks, Recreation and Conservation and the Department of Economic Development and Planning; and

WHEREAS, the purpose of this Project is to restore wetland and terrestrial habitats that were extensively degraded by the operation of a former duck farm on a 45-acre site in East Patchogue; and

WHEREAS, the former duck farm operations significantly altered the riparian (stream floodplain) corridor of the East Branch of Mud Creek, as well as the freshwater wetland, and upland habitats; woodlands were converted into pens and open feedlots; streambeds were altered to create swim pond areas for duck use, and waste disposal lagoons; and

WHEREAS, remnants of the former duck farm still exist today, and the site contains dilapidated and burned out buildings and sheds; piles of debris/waste; old equipment and machinery; duck pen fencing; pump houses and piping; waste disposal lagoons; Phragmites dominated stream bed; stagnant ponds with low flow; and earthen berms/dams; and

WHEREAS, the Mud Creek Watershed Ecosystem Restoration Feasibility Study that was completed under CP 8710.110, includes final engineering plans, specifications and all required regulatory permits for the removal of all dilapidated structures and debris; creation of a new coastal plain stream; removal of accumulated organic sediments; restoration of upland forest habitats; invasive species removal; construction of stormwater drainage improvements; and the provision of recreational and educational amenities for park visitors; and

WHEREAS, Department of Economic Development and Planning requested and was awarded funds for this Project through the New Enhanced Suffolk County Water Quality Protection Program Funds (CP 8733) to initiate the implementation and construction; and

WHEREAS, Resolution No. 859-2016 approved \$1,506,149 of the New Enhanced Suffolk County Water Quality Protection Program Funds for the Project; and

WHEREAS, Bond Resolution No. 1117-2016 authorized the issuance of \$1,506,149 in serial bonds to finance the New Enhanced Suffolk County Water Quality Protection Program – 2014 Referendum – Construction of the Suffolk County Mud Creek Watershed Aquatic Ecosystem Restoration Project at Mud Creek County Park (CP 8733.310); and

WHEREAS, the Town of Brookhaven requested and was awarded funds for the Mud Creek Mitigation Stormwater Improvements and Stream Restoration Project, which was developed under the Suffolk County Mud Creek Watershed Ecosystem Restoration Feasibility Study (CP 8710.110) and is part of this Project, through the New Enhanced Suffolk County Water Quality Protection Program Funds (CP 8733) to construct stormwater and stream improvements; and

WHEREAS, Resolution No. 855-2016 approved \$194,900 of the New Enhanced Suffolk County Water Quality Protection Program Funds for the Town of Brookhaven's Mud Creek Mitigation Stormwater Improvements and Stream Restoration Project, which also includes a matching contribution of \$269,500 from the Town; and

WHEREAS, Bond Resolution No. 1049-2016 authorized the issuance of \$194,000 in serial bonds to finance the New Enhanced Suffolk County Water Quality Protection Program – 2014 Referendum – Construction of the Mud Creek Mitigation Stormwater Improvements and Stream Restoration Project, Town of Brookhaven (CP 8733.310); and

WHEREAS, Resolution No. 471-1994 as revised by Resolution No. 461-2006, established the use of a priority ranking system, implemented in the Adopted 2017 Capital Budget as the basis for funding capital projects such as this project; and

WHEREAS, there are no funds included in the 2017 Capital Budget and Program to cover the cost of said request under Capital Project 8736 and pursuant to the Suffolk County Charter, Section C4-13, an offsetting authorization is not required on amendments which are financed in an amount of at least fifty percent (50%) by Federal or State Aid; and

WHEREAS, the Suffolk County Mud Creek Watershed Aquatic Ecosystem Restoration Project, and that under the State Environmental Quality Review Act ("SEQRA") Environmental Conservation Law Article 8, as documented in Suffolk County Resolution 675-2015, that this project constitutes a Type I Action, pursuant to the provisions of Title 6 NYCRR, Part 617 and Chapter 450 of the Suffolk County Code and the project will not have significant adverse impacts on the environment; and

WHEREAS, the County must in first instance fund costs of the Project as the Project progresses and will subsequently be reimbursed by the NYSDEC; and

WHEREAS, the County Legislature, by resolution of even date herewith, has authorized the issuance of \$2,262,910 in Suffolk County Serial Bonds for the purpose of issuing Bond Anticipation Notes (BANS) if necessary; now, therefore be it

1st **RESOLVED**, that it is hereby determined that this project, with a priority ranking of sixty-two (62) is eligible for approval in accordance with the provisions of Resolution No. 471-1994 as revised by Resolution No. 461-2006; and be it further

2nd **RESOLVED**, that the County Comptroller is hereby authorized and directed to accept State funding in the amount of \$2,262,910 for the Project into Capital Project No. 8736; and be it further

3rd **RESOLVED**, that the 2017 Capital Budget and Program are hereby amended as follows:

Project Number: 8736

Project Title: Mud Creek Watershed Aquatic Ecosystem Restoration Project

	<u>Total Est'd Cost</u>	<u>Current 2017 Capital Budget & Program</u>	<u>Revised 2017 Capital Budget & Program</u>
3. Construction	<u>\$2,262,910</u>	<u>\$0</u>	<u>\$2,262,910S</u>
TOTAL	\$2,262,910	\$0	\$2,262,910

and be it further

4th **RESOLVED**, that these State proceeds in the amount of \$2,262,910 be and hereby are appropriated as follows:

<u>Project No.</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-8736.310	Mud Creek Watershed Aquatic Ecosystem Restoration Project - Construction	\$2,262,910

and be it further

5th **RESOLVED**, that the County Comptroller is hereby authorized and directed to advance funding to finance this capital Project; and be it further

6th **RESOLVED**, that the Department of Public Works will be the lead agency in overseeing the performance of this Project and will coordinate with the Department of Parks, Recreation and Conservation and the Department of Economic Development and Planning in communicating with the State agencies to ensure compliance and that all associated aid is captured; and be it further

7th **RESOLVED**, that the County Executive or his designee, and the Suffolk County Department of Public Works, the Department of Parks, Recreation and Conservation, with the approval of the County Attorney, are hereby authorized and empowered to take such actions and execute such documents as may be necessary or desirable, consistent with the purpose and intent of the foregoing resolution; and be it further

8th **RESOLVED**, that the County Legislature hereby authorizes the County Executive, or his designee, to execute all necessary agreements with the State of New York related to the implementation of this restoration Project; and be it further

9th **RESOLVED**, that the County Legislature hereby authorizes the County Executive, or his designee, to execute the standard agreement for reimbursement with the NYSDEC and any and all contract documents related to this Project, on behalf of the County of Suffolk providing for the municipality's participation in the above referenced Project; and be it further

10th **RESOLVED**, that this Legislature, being the lead agency under the State Environmental Quality Review Act ("SEQRA"), hereby finds and determines that this resolution constitutes a Type II action, pursuant to Title 6 of New York Code of Rules and Regulations ("NYCRR") Part 617.5(C) (18), (20), (21), and (27), as the proposal involves the adoption of regulations policies, procedures and local legislative decisions in connection with routine continuing agency administration and management.

DATED: February 7, 2017

APPROVED BY:

/s/ Steven Bellone
County Executive of Suffolk County

Date: February 22, 2017